

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-3 are cancelled. Claims 1 and 4-16 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1, 4-7, 10, 13, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hecksel (U.S. Patent No. 6,151,707) in view of Rogers (U.S. Patent No. 6,018,719) and Official Notice. Applicants submit that the claims are patentably distinguishable over the cited references.

In the prior amendment dated January 13, 2006, Applicant pointed out that Hecksel teaches away from having the user enter registration information, and Hecksel teaches away from having the user input responses to a questionnaire. As set out at col.1 ll.26-46, Hecksel describes various problems and deficiencies in that (i) the user must repeatedly input the same registration data for each newly acquired software product so that the user's time is wasted and the chance of errors in entering the data is increased, (ii) the customers often refuse to spend the time and effort necessary to complete the registration and/or survey forms, and (iii) survey questions asked at the time of registration are of little value because the user provides answers before having used the software. Because of this teaching away, Applicant concluded that it is improper to combine the teachings of Hecksel with those of another reference, such as Rogers, to remedy the asserted deficiencies of Hecksel.

The Examiner responds in the present Office Action that "Examiner replies that this is Hecksel's description of the prior art, over which his own invention is offered as an improvement." However, regardless of whether the teaching away is set out in the Background of the Invention or elsewhere in

the patent, Hecksel's description of the problems and deficiencies associated with user entry of registration data and questionnaire answers nevertheless teaches away from the user entry of such information. Moreover, Hecksel's offering of an invention that addresses these problems and deficiencies further supports this teaching away.

The Examiner further asserts that "[t]hus it is incorrect to conclude, based on column 1, that Hecksel teaches away from the user entry of registration information and the user entry of responses to a questionnaire; in fact, Hecksel teaches these things", and the Examiner cites col.2 ll.7-16, col.4 ll.5-30 and 43-59, col.7 ll. 32-60 and col.8 ll.45-64 of the patent. The cited sections of Hecksel, however, do not contradict the teaching away set out in the Background of the Invention and, in fact, do not provide any teaching or motivation for having the user enter registration data and questionnaire answers. Rather, the cited sections of Hecksel describe a registration software program that avoids having the user enter data whenever possible by retrieving stored registration information and stored questionnaire responses from prior registration sessions and that avoids having the user enter data in the future by storing registration information and questionnaire responses from the current registration session. Input is supplied by the user only when the data from prior registrations cannot be obtained. (See also FIG. 3c, col.5 ll.23-33 and 43-52, and col.11 ll.23-55). Thus, even when the reference is taken as a whole, Hecksel still teaches away from user entry of registration information and questionnaire answers.

It follows that the cited references cannot be combined in the manner asserted by the Examiner, and therefore claims 1, 4-7, 10, 13, and 16 are patentably distinct and unobvious over the cited art.

The Examiner also rejected (i) claims 8-9 under 35 U.S.C. § 103(a) as being unpatentable over Hecksel, Rogers and Official Notice, as applied to claim 1, and further in view of Jolissaint (U.S. Patent No. 6,463,149); (ii) claims 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Hecksel, Rogers and Official Notice, as applied to claim 4, and further in view of Jolissaint; and (iii) claims 14-15 under 35 U.S.C. § 103(a) as being unpatentable over Hecksel, Rogers and Official Notice, as applied to claim 5, and further in view of Jolissaint. Applicants submit that these claims are also patentably distinguishable over the cited art.

As described above, Hecksel teaches away from the user entry of registration information at the time of registration and teaches away from the user entry of responses to a questionnaire. Therefore, it is improper to combine the teachings of Hecksel with those of other references, such as Rogers or Jolissaint.

Further, even if the references are combined in the manner asserted by the Examiner, the asserted combination does not disclose or suggest the features called for in claims 8-9, 11-12, and 14-15. Claim 8, for example, depends from claim 1 and further describes:

an answer collection database operable to receive the subject of the customer inquiry and the customer identifier from said call center terminal, and to determine whether an answer associated with the customer inquiry is recorded in said answer collection database, the determination being based on the subject of the customer inquiry; [and]

said answer collection database, when the associated answer is recorded in said answer collection database, being further operable to increment an inquiry count for the associated answer, to output the associated answer to the customer inquiry to said call center terminal, and to send the customer identifier, the customer inquiry, and the associated answer to said call center data unit[.] (Emphasis added).

The cited sections of Jolissaint are only concerned with accessing customer information from a database and with providing answers using a live agent. Hence, the cited sections of Jolissaint neither disclose nor suggest an answer collection database that is operable to determine whether an answer associated with the customer inquiry is recorded in the answer collection database based on the subject of the customer inquiry, the cited sections of Jolissaint neither disclose nor suggest an answer collection database that is operable to increment an inquiry count for the associated answer, the cited sections of Jolissaint neither disclose nor suggest an answer collection database that is operable to output the associated answer to the customer inquiry to a call center terminal, and the cited sections of Jolissaint neither disclose nor suggest an answer collection database that is operable to send the associated answer to a call center data unit.

Moreover, the inclusion of an answer collection database that incorporates the claimed features and its combination with a call center terminal and a call center database are neither common knowledge nor well known in the art. The Examiner acknowledges that neither Hecksel nor Rogers discloses or suggests these features.

Claims 11 and 14 also each include similar limitations and are distinguishable over the cited references for at least the same reasons. Claims 9, 12 and 15 depend from claims 8, 11 and 14, respectively, and for at least the same reasons, are also distinguishable over the cited art.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103.


As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If,

however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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